REMARKS

Claims 1-33 are pending and at issue in the application with claims 1, 10, 17, 22, 27 and 31-33 being independent claims. A final Office action was dated November 30, 2005. The applicants responded within two months of the final Office action with a "Response to Final Office Action Dated November 30, 2005" which was mailed on January 30, 2006. An Advisory Action was dated March 9, 2006. As such, this response is being timely filed with a two-month extension of time and fee, and the applicants believe no additional fee is due. However, the commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

The applicants respectfully traverse the rejections of claims 1-33 as unpatentable over Dodge et al. (U.S. Pat. No. 6,795,778) in view of Swamy et al. (U.S. Pat. No. 6,874,141). The rejections of claims 1-33 under 35 U.S.C. §103 as unpatentable over Dodge et al. should be withdrawn because the applicants were in possession of the subject matter recited in the claims prior to the filing date of Dodge et al.

Dodge et al. was filed on May 24, 2001. Submitted herewith are declarations of two of the inventors, Mark Nixon and Christopher Felts, pursuant to 37 C.F.R. §1.131 ("the Rule 131 declarations"). The Rule 131 declarations demonstrate that the method of communicating information within an enterprise having a process control system and a plurality of information technology systems as recited in claim 1 of the patent application, the system for use in an enterprise having a plurality of information technology systems as recited in claim 10 of the patent application, the method of processing transactional process control data as recited in claim 17 of the patent application, the method of processing transactional process control data as recited in claim 22 of the patent application, the method of communicating transactional process control information within an enterprise as recited in claim 27 of the patent application, the method of processing a device alarm for use within an enterprise including a process control system and a maintenance management system as recited in claim 31 of the patent application, the method of processing equipment condition information for use within an enterprise including a process control system and an information technology system as recited in claim 32 of the patent application, and the

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method of processing process condition information for use within an enterprise including a process control system and an information technology system as recited in claim 33 of the patent application were in the possession of the applicants at least as early as the May 24, 2001, filing date of Dodge et al. Specifically, the Rule 131 declarations provide an example of a system and method of communicating transactional process control information before the filing date of Dodge et al.

In view of the Rule 131 declarations submitted herewith, it is respectfully submitted that the rejection of claims 1-33 as unpatentable over Dodge et al. under 35 U.S.C. §103 has been overcome and should be withdrawn.

The applicants further traverse the rejections of claims 1-33 as unpatentable over Dodge et al. in view of Swamy et al. because the final Office action does not establish a *prima facie* case of obviousness, and the Advisory Action fails to correct for the deficiencies of the final Office action. In particular, the final Office action failed to establish a *prima facie* case of obviousness for the reasons provided in the "Response to Final Office Action Dated November 30, 2005." Although the Advisory Action attempts to address each of the applicants' arguments, the Advisory Action either misinterprets the applicants' arguments or provides reasoning that is wholly unsupported by the prior art or the applicable standard for obviousness.

For example, contrary to the assertion of the Advisory Action, the final Office action did not sufficiently address the claim recitations of independent claims 10 and 27. The Advisory Action asserts that claims 10 and 27 are the system and method claims of claim 1, and the claim language is only slightly different. The Advisory Action is mistaken in this regard. For example, claim 10 recites that each of the input schemas is associated with a type of transactional process control information, whereas claim 1 does not recite such language. In another example, claim 1 recites sending the mapped transactional process control information to an information technology system, whereas claim 27 recites sending the mapped transactional process control information to a process control system. Such differences are not slight, and must be independently accounted for in any rejection of the claims. The applicants note that these are merely examples of differences among claims 1, 10 and 27, rather than an exhaustive list. Nevertheless, these examples show that a comparison of the plain language of the claims demonstrates that each of independent claims

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10 and 27 recites features and/or claim language different from independent claim 1, and neither the final Office action nor the Advisory Action accounts for this difference in language. Generally addressing the claims as provided in the final Office action, does not relieve the Office of its burden to present a *prima facie* case of obviousness. The Office has not met that burden in the final Office action, and the Advisory Action fails to make up for this deficiency.

Further, contrary to the assertion of the Advisory Action, the combination of Dodge et al. and Swamy et al. does not merely enhance the performance of Dodge et al. by extending the communication with one of the remote systems. The Advisory Action asserts that Dodge et al. does not disclose that all of the remote systems must use the same format to communicate with the welder. However, the Advisory Action misinterprets the applicants' arguments in this regard. Even assuming the remote systems of Dodge et al. use different formats, the combination of Dodge et al. and Swamy et al. would nonetheless change the principle operation of Dodge et al. Dodge et al. specifically teaches that the welder formats information for use by the remote systems. (See e.g., column 11, lines 22-39, column 12, line 62 to column 13, line 5). As such, a remote system relies upon the data format provided by the welder, and the basic principle under which Dodge et al. operations includes using only a particular format when communicating with a particular remote system (even assuming different remote systems use different formats). If the system and method of Dodge et al. were modified as suggested in the final Office action and in the Advisory Action, the remote system would not longer be able to read and view the information because the proposed modification introduces a new data format different from the data format relied upon by the remote system. As such, each of the remote systems would require significant modification and reconstruction in order to accommodate the new format, or the welder would require significant modification to map the information from a first format to a second format. In addition, the proposed modification merely introduces a redundant element into the system and method of Dodge et al., because Dodge et al. already formats the information for use by the remote system. Accordingly, the final Office action fails to establish a *prima facie* case of obviousness because the proposed modification changes the principle of operation of Dodge et al. and introduces an unnecessary element. The Advisory Action fails to make up for this deficiency because the proposed modification significantly complicates the

performance of Dodge et al., which is anything but a simple extension of the system and method of communication of Dodge et al. as asserted in the Advisory Action.

In addition, contrary to the assertion of the Advisory Action, the applicants' arguments as provided on page 11, first paragraph of the "Response to Final Office Action Dated November 30, 2005" were directed to the fact that neither the references nor the prior art suggest the desirability of the combination, as required by MPEP 2143.01 (I) and (III). The Advisory Action asserts that Dodge et al. inherently encounters a problem when communicating with remote systems using a plurality of schemas. However, *inherency* is not the standard for determining whether a motivation to combine exists. Rather, "obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP 2143.01 (I). Nonetheless, even under the proper standard for determining motivation, the assertion of the Advisory Action is mistaken. Dodge et al. specifically teaches that the welder formats information for use by the remote systems. (See e.g., column 11, lines 22-39, column 12, line 62 to column 13, line 5). As such, the remote systems are able to use the information as formatted by the welder. Dodge et al. also discloses that different formats may be used. (See e.g., column 6, lines 22-27). In short, Dodge et al. has absolutely no problem communicating with the remote systems using a plurality of schemas, and the assertion of the Advisory Action is based on mere conjecture which is entirely unsupported by the references. Accordingly, the final Office action fails to establish a *prima facie* case of obviousness because the final Office action does not provide a proper motivation based upon the prior art, and the Advisory Action fails to make up for this deficiency.

Still further, contrary to the assertion of the Advisory Action, merely because the claim language may not recite a particular system or application at the receiving end (with which the applicants disagree), any discussion regarding the motivation to combine the references necessarily focuses on the reasoning provided by the final Office action, regardless of the applicants' claim language. Based upon the interview with the Examiner on January 20, 2006, the motivation provided by the final Office action is based upon the assumption that the remote systems of Dodge et al. were different business partners and that different remote systems necessarily require different data formats. Neither the final Office action nor

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the Advisory Action provide any justification or support for this assumption. Again, this assumption is based upon mere conjecture which is entirely unsupported by the references, and any interpretation of the remote systems as business partners is entirely inconsistent with the disclosure of Dodge et al. Accordingly, the final Office action fails to establish a *prima facie* case of obviousness because the provided motivation does not suggest the desirability of combination of Dodge et al. and Swamy et al., and the Advisory Action fails to make up for this deficiency.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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